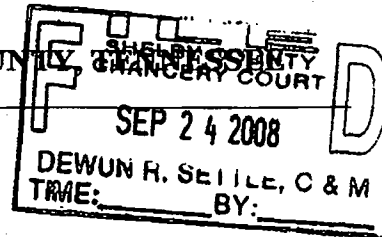


IN THE CHANCERY COURT FOR SHELBY COUNTY, TENNESSEE



STEVEN HAMMOND,

Plaintiff,

VS.

No. CH-08-1776-3

LIBERTY MUTUAL INSURANCE
COMPANY and LIBERTY MUTUAL
GROUP

Defendants.

**COMPLAINT FOR DECLARATORY RELIEF AND
FOR BAD FAITH BREACH OF INSURANCE CONTRACT**

**TO THE HONORABLE CHANCELLORS OF THE CHANCERY COURT FOR
SHELBY COUNTY, TENNESSEE:**

COMES NOW Your Plaintiff, Stevon Hammond, by and through counsel and for cause of action against the Defendant, Liberty Mutual Group would charge and allege unto the Court as follows:

1. The Plaintiff is an adult resident of Shelby County, Tennessee.
2. The Defendants Liberty Mutual Insurance Company and Liberty Mutual Group (hereinafter collectively "Liberty Mutual") now is and at all times relevant to this action were Massachusetts corporations, authorized by the Tennessee Department of Commerce and Insurance to engage in the business of writing and selling insurance in Memphis, Shelby County, Tennessee. Liberty Mutual has designated the Commissioner of the Tennessee Department of Commerce and Insurance as its registered agent for service of process.



3. This Court has jurisdiction over the present matter as the occurrences giving rise to the present cause of action occurred in Memphis, Shelby County Tennessee.

4. Venue in the instant case is properly found in Shelby County, Tennessee, pursuant to T.C.A. 20-4-101, *et. seq.*

5. Prior to November, 2007, for valuable consideration, Stevon Hammond purchased insurance from Liberty Mutual under policy No. H6225 1000 352607 (hereinafter the "policy") to cover loss and damage to his property located at 3059 Saint Cloud Place, Memphis, Shelby County, Tennessee(hereinafter "property")

6. The policy was in effect from February 19, 2007 to February 19, 2008.

7. On or about November 9, 2007 while the policy was in full force and effect, the property was damaged in a fire, creating a combined loss in excess of \$90,000.00.

8. Soon after the fire, Plaintiff properly notified the Defendant of his loss.

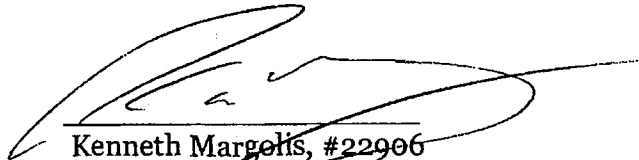
9. All the conditions of the policy have been performed by Plaintiff, though more than Ten (10) months have elapsed since Plaintiff furnished Liberty Mutual with notice and proof of loss; Liberty Mutual has failed to pay the Plaintiff the sum due on the policy, or any part thereof.

10. Plaintiff would submit that Liberty Mutual's refusal to honor the terms of the policy have been done intentionally and in bad faith so as to warrant exemplary relief.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for a judgment against Liberty Mutual for the limits of the policy, with interest on such sum from November 9, 2007 as well as for exemplary relief to be found reasonable, but not to exceed \$250,000

as well as reasonable attorneys fees, costs on this action any further relief to which this Honorable Court finds just and proper.

Respectfully Submitted;

A large, stylized handwritten signature in black ink, appearing to read 'Ken Margolis', is written over a horizontal line.

Kenneth Margolis, #22906
Handel R. Durham, #10949
Attorneys for Plaintiff
100 North Main Street, #2601
Memphis, Tennessee 38103
PH: (901) 543-0866



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-1131

October 9, 2008

Liberty Mutual Insurance Company
2908 Poston Avenue, % C S C
Nashville, TN 37203
NAIC # 23043

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1830 0000 6979 8680
Cashier # 5577

Re: Stevon Hammond V. Liberty Mutual Insurance Company

Docket # CH-08-1776-3

To Whom It May Concern:

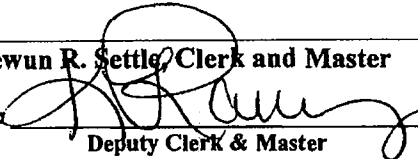
We are enclosing herewith a document that has been served on this department on your behalf in connection with the above-styled matter.

I hereby make oath that the attached Breach Of Contract Complaint was served on me on October 3, 2008 by Stevon Hammond pursuant to Tenn. Code Ann. § 56-2-504 or § 56-2-506. A copy of this document is being sent to the Chancery Court of Shelby County, TN.

Brenda C. Meade
Designated Agent
Service of Process

Enclosures

cc: Chancery Court Clerk
Shelby County
140 Adams Street, Rm 308
Memphis, Tn 38103

STATE OF TENNESSEE 30th JUDICIAL DISTRICT CHANCERY COURT AT MEMPHIS		SUMMONS		DOCKET NUMBER CH- <u>08-1776-3</u>	
Plaintiff STEVEON HAMMOND			Defendant LIBERTY MUTUAL INSURANCE COMPANY		
TO: (NAME AND ADDRESS OF DEFENDANT) Liberty Mutual Insurance Company c/o Tennessee Commissioner of Insurance 500 James Robertson Parkway Nashville, Tennessee 37243-0565					
Method of Service: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Shelby County Sheriff <input checked="" type="checkbox"/> Comm. Of Insurance* <input type="checkbox"/> Secretary of State* <input type="checkbox"/> Out of County Sheriff* <input type="checkbox"/> Private Process Server <input type="checkbox"/> Other *Attach Required Fees					
You are summoned to defend a civil action filed against you in the Chancery Court of Shelby County, Tennessee. Your answer to this action must be made within thirty (30) days from the date this summons is served upon you. You must file your answer with the Clerk of the Court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action within thirty (30) days of service, judgment by default can be rendered against you for the relief sought in the complaint.					
Attorney for plaintiff or plaintiff if filing Pro Se: (Name, address & telephone number) Kenneth M. Margolis Attorney at Law 100 N. Main Bldg., Suite 2601 Memphis, Tennessee 38103 Tel. No. (901) 543-0866			ISSUED <u>21</u> of <u>September</u> , 20 <u>08</u> Dewun R. Settle, Clerk and Master By:  Deputy Clerk & Master		
TO THE SHERIFF:			Came to hand _____ day of _____, 20____		
			Sheriff		

**Submit one original and one copy for each defendant to be served.

! Questions regarding this summons and the attached documents should be addressed to the Attorney listed above.

For ADA assistance only, call (901) 379-7895

09/18/07

RETURN ON SERVICE OF SUMMONS

I hereby return this summons as follows: (Name of Party Served) _____

☐ Served _____ ☐ Not Found _____
☐ Not Served _____ ☐ Other _____

DATE OF RETURN: This _____ day of _____, 20____.

By: _____

Sheriff/or other authorized person to serve process

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return that on the _____ day of _____, 20____, I sent, postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in case CH-_____ to the defendant _____. On the _____ day of _____, 20____, I received the return receipt, which had been signed by _____ on the _____ day of _____, 20____.

The return receipt is attached to this original summons to be filed by the Chancery Court Clerk & Master.

Sworn to and subscribed before me on this _____ day of _____, 20____.
 Signature of _____ Notary Public or _____ Deputy Court Clerk

Signature of plaintiff, plaintiff's attorney or other person authorized by statute to serve process.

My Commission Expires: _____

NOTICE OF PERSONAL PROPERTY EXEMPTION**TO THE DEFENDANT(S):**

Tennessee law provides a four thousand dollar (\$4,000.00) debtor's equity interest personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

Mail list to: Clerk & Master
 140 Adams Ave.
 Room 308
 Memphis, TN 38103

Please state file number on list.

ATTACH
 RETURN
 RECEIPT
 HERE
 (IF APPLICABLE)

CERTIFICATION (IF APPLICABLE)

I, Dewun R. Settle, Clerk & Master of the Chancery Court in the State of Tennessee, Shelby County, do certify this to be a true and correct copy of the original summons issued in this case.

Dewun R. Settle, Clerk & Master

By: _____

D.C. & _____



09/18/07